

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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In Re:  
Willie Mae Armstrong



Order Filed on October 11, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No.: 19-10016-MBK

Hearing Date: October 9, 2019

Chapter: 13

Judge: Kaplan

**ORDER AUTHORIZING  
SALE OF REAL  
PROPERTY**

Recommended Local Form: ☐ Followed ☒ Modified

The relief set forth on the following pages numbered two (2) and three (3) is  
**ORDERED.**

**DATED: October 11, 2019**

A handwritten signature in black ink, reading "Michael B. Kaplan".  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

After review of the Debtor's motion for authorization to sell the real property commonly known as 12 Hearthstone Boulevard, Pemberton, NJ 08068, (the Real Property).

**IT IS** hereby **ORDERED** as follows:

1. The Debtor is authorized to sell the Real Property on the terms and conditions of the contract of sale pursuant to 11 U.S.C. §§ 363(b) and 1303.
2. The proceeds of sale must be used to satisfy the liens on the real property unless the liens are otherwise avoided by court order. Until such satisfaction the real property is not free and clear of liens.
3. ☒ In accordance with D.N.J. LBR 6004-5, the *Notice of Proposed Private Sale* included a request to pay the real estate broker and/or debtor's real estate attorney at closing. Therefore the following professional(s) may be paid at closing.

Name of professional: BHHS - Fox & Roach, Realtors (Kate Warne)

Amount to be paid: \$14,475

Services rendered: Marketed property for sale and obtained purchase.r Assisted seller throughout sales process.

**AND:** ☒ **\$2,000** may be paid to the attorney trust account of McDowell Law, PC to be held in escrow to pay attorney's fees on further order of this court.

4. Other closing fees payable by the Debtor may be satisfied from the proceeds of sale and adjustments to the price as provided for in the contract of sale may be made at closing.

5. The amount of \$ 17,905 claimed as exempt may be paid to the Debtor.

6. The ☒ *balance of proceeds* or the ☐ *balance due on the debtor's Chapter 13 Plan* must be paid to the Chapter 13 Trustee in the Debtor's case.

7. A copy of the HUD settlement statement must be forwarded to the Chapter 13 Trustee 7 days after closing.

8. ☒ The debtor must file a modified Chapter 13 Plan not later than 21 days after the date of this order.

9. Other provisions:

a.) An order approving the payment of legal fees to McDowell Law, PC (bankruptcy /real estate counsel) outside of the Debtor's Chapter 13 plan shall also constitute an order authorizing the payment of those fees out of the amounts to be held in escrow by McDowell Law, PC.

c.) If not already submitted prior to the entry of this Order, McDowell Law, PC shall submit a fee application within thirty (30) days of closing.

d.) Any escrow funds remaining after the payment of counsel fees shall be paid as follows: i.) If the Debtor did not receive \$17,905 for her exemption at the time of closing, then the Debtor shall be entitled to receive sufficient funds so that the escrow disbursement plus amount received at closing equal \$17,905; ii.) thereafter, the balance, if any, shall be distributed to the Chapter 13 trustee. McDowell Law, PC is authorized to disburse these funds without further order of the court after attorney fees have been paid.

e.) The Debtor is authorized to provide a seller's concession or reduce the sales price so long as the gross proceeds (defined as sales price minus seller concessions) are no less than \$230,000.

rev.8/1/15